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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
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9 STEVEN MARK BUCKMINSTER, )

10 Plaintiff, )

No. CV-11-155-JPH

11 v. )

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

12 U.S. INSPECTOR GENERAL, )  
13 DEPARTMENT APPEALS BOARD )  
14 APPELLATE DIVISION OF HEALTH )  
and HUMAN SERVICES, )

15 Defendant. )  
16

17 BEFORE THE COURT is Magistrate Judge James P. Hutton's Report  
18 and Recommendation, ECF No. [32](#), to grant Defendant's motion to  
19 dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and  
20 12(b)(6). Plaintiff filed an objection on December 6, 2011, to the  
21 Magistrate Judge considering the case. ECF No. [33](#). The objection  
22 is not well taken because a District Court Judge, and not a  
Magistrate Judge, is making the final determination in this case.

23 Having reviewed the Report and Recommendation and the files and  
24 records herein, the Court adopts the magistrate judge's report and  
25 recommendation in its entirety.

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**DATED** this 7<sup>th</sup> day of December, 2011.

ORDER - 2